

## § 100.10

Act and that may require special management considerations or protection.

*Designated Officer* means a Coast Guard officer designated by the District Commander to carry out the functions assigned in this part to the Designated Officer.

*District Commander* means the Commander of the Coast Guard district in which the marine event will be held.

*Environmentally sensitive area* means a geographical area that is designated—

(1) As a critical habitat of a threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*);

(2) For protection under a State endangered or protected species statute;

(3) As a marine sanctuary under the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 *et seq.* and 33 U.S.C. 1401 *et seq.*); or

(4) As a wildlife sanctuary, refuge, or special natural resource conservation area under Federal or State law.

*Local authority* means an official or agency of local government having power under the laws of a State to regulate marine events on waters over which the State has jurisdiction.

*Marine event* or *event* means an organized event of limited duration held on the water according to a prearranged schedule.

*Participating vessel* means a vessel that is participating in a marine event.

*Regatta or marine parade* means a marine event.

*Spectator vessel* means a vessel at a marine event, other than a participating vessel, and includes support and safety patrol vessels.

*State authority* means an official or agency of a State having power under the laws of the State to regulate waters or resources over which the State has jurisdiction.

*Threatened or endangered species* means a species that is listed, or proposed for listing, as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) or other species of plant or wildlife protected by an equivalent State statute.

[CGD 95-054, 61 FR 33032, June 26, 1996]

EFFECTIVE DATE NOTE: 61 FR 33032, June 26, 1996, §100.05 was revised, effective Jan. 1, 1997. At 61 FR 60028, Nov. 26, 1996, the effective date was delayed until Jan. 1, 1998. At 62

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FR 67570, Dec. 29, 1997, the effective date was delayed until Jan. 1, 1999. At 63 FR 71754, Dec. 30, 1998, the effective date was further delayed until Jan. 2, 2000. For the convenience of the user, the superseded text is set forth as follows:

### § 100.05 Definition of terms used in this part.

(a) *Regatta or marine parade* means an organized water event of limited duration which is conducted according to a prearranged schedule.

(b) [Reserved]

(c) *District Commander* means the Commander of the Coast Guard District in which the regatta or marine parade is intended to be held. (See Part 3 of this chapter for the geographical boundaries of Coast Guard Districts.)

(d) *State authority* means any official or agency of a State having power under the law of such State to regulate regattas or marine parades on waters over which such State has jurisdiction.

[CGFR 63-22, 28 FR 5155, May 23, 1963, as amended by CGD 75-098, 40 FR 49327, Oct. 22, 1975]

### § 100.10 Coast Guard-State agreements.

(a) The District Commander is authorized to enter into agreements with State authorities permitting, regulation by the State of such classes of regatta or marine parade on the navigable waters of the United States as, in the opinion of the District Commander, the State is able to regulate in such a manner as to insure safety of life. All such agreements shall reserve to the District Commander the right to regulate any particular regatta or marine parade when he deems such action to be in the public interest.

### § 100.15 General requirements for events.

No marine event may be conducted in such a manner that a participating vessel violates any Federal, State, or local law or regulation that applies during the time and at the location of the event.

[CGD 95-054, 61 FR 33032, June 26, 1996]

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delayed until Jan. 2, 2000. For the convenience of the user, the superseded text is set forth as follows:

### § 100.15 Submission of application.

(a) An individual or organization planning to hold a regatta or marine parade which, by its nature, circumstances or location, will introduce extra or unusual hazards to the safety of life on the navigable waters of the United States, shall submit an application to the Coast Guard District Commander having cognizance of the area where it is intended to hold such regatta or marine parade. Examples of conditions which are deemed to introduce extra or unusual hazards to the safety of life include but are not limited to: An inherently hazardous competition, the customary presence of commercial or pleasure craft in the area, any obstruction of navigable channel which may reasonably be expected to result, and the expected accumulation of spectator craft.

(b) Where such events are to be held regularly or repeatedly in a single area by an individual or organization, the Commandant or the District Commander may, subject to conditions set from time to time by him, grant a permit for such series of events for a fixed period of time, not to exceed one year.

(c) The application shall be submitted no less than 30 days prior to the start of the proposed event.

(d) The application shall include the following details:

(1) Name and address of sponsoring organization.

(2) Name, address, and telephone of person or persons in charge of the event.

(3) Nature and purpose of the event.

(4) Information as to general public interest.

(5) Estimated number and types of watercraft participating in the event.

(6) Estimated number and types of spectator watercraft.

(7) Number of boats being furnished by sponsoring organizations to patrol event.

(8) A time schedule and description of events.

(9) A section of a chart or scale drawing showing the boundaries of the event, various water courses or areas to be utilized by participants, officials, and spectator craft.

### § 100.17 Notice of event.

(a) The sponsor of a marine event shall notify the Designated Officer if—

(1) The event will involve more than 50 participating vessels or more than 200 spectator vessels;

(2) The event will take place in or near a designated environmentally sensitive area (including a critical habitat of a threatened or endangered species),

or other area of historic, cultural, or archeological significance, including an area of significance to Native Americans;

(3) The event will involve participating vessels travelling at speeds of greater than 30 miles per hour;

(4) The event will cause participating vessels or spectator vessels to cross a designated shipping lane or otherwise block or cause substantial interference with navigation on a body of water;

(5) The event could present a substantial threat to the safety of human life on navigable waters; or

(6) The sponsor is requesting the use of Coast Guard resources or the issuance of a special local regulation under § 100.35.

(b) The notice must be in writing and contain the following information:

(1) The name of the sponsor and the event.

(2) Name, address, and telephone number of the person in charge of the event.

(3) The date and approximate time the event is scheduled to begin and end.

(4) The nature of the event (e.g., marine parade, powerboat race, or sailboat race).

(5) The general location of the event as shown on a chart or drawing.

(6) The number and type (e.g., powerboat or sailboat) of participating vessels and spectator vessels expected.

(7) An explanation of why the event does not present a substantial threat to the safety of human life on navigable waters and what steps will be taken to ensure that result.

(8) The expected effect, if any, of the event on the following resources:

(i) A threatened or endangered species.

(ii) A critical habitat or other designated environmentally sensitive area.

(iii) The coastal zone of a State with a Federally-approved Coastal Zone Management plan under 16 U.S.C. 1451 *et seq.*

(iv) An area of historic, cultural, or archeological significance, including an area of significance to Native Americans.

(c) A sponsor of an event meeting the criteria of paragraph (a) of this section